IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Robert M. H. Dunn	:
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	: Before the Examiner:
Serial No: 10/666,799	: Chelcie L. Daye
	:
Filed: 09/18/2003	: Group Art Unit: 2161
	:
Title: STOREPATH FOR SHARING COMMERCE ASSETS	: Confirmation No.: 9024
	:
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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply brief to the Examiner's Answer Brief of July 06, 2007 pursuant to 37 C.F.R. §41.41(a).

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RESPONSE TO EXAMINER'S ARGUMENT

The Examiner's argument that the reference anticipates the claimed invention is based on the user being a vendor. For example, in the second paragraph on page 6 of the Answer Brief, the Examiner stated that:

> The product search engine and entering of a keyword by the _user/vendor_ corresponds to receiving a query from a user and the searching of the vendor product catalog corresponds to the consulting of the storepath relationship for the asset type of a particular asset. (Emphasis added.)

However, the **_user_** in the claimed invention is a **_user who desires to shop at a particular virtual store_**. To wit, the second element of Claim 1 reads as follows:

> consulting the storepath relationship for the asset type of a particular asset upon receiving a query from **_a user_**, the query including the particular asset and a particular virtual store indicating _**the virtual store at which the user desires to shop**_;

It should be noted that the user being a shopper or buyer is further illustrated in Claims 5, 26, 31 and 36. Those claims specifically state that the user buys a particular asset. To wit, the claims state:

> wherein when _**the user buys**_ one of a particular asset or one of the virtual stores adds to the availability of the particular asset, the availability of the particular asset is dynamically updated.

The Examiner further stated in the laset sentence on page 7 that:

> Broadly speaking, anyone using the ETS system is essentially a "shopper" of some sort; for example, the vendor is "shopping" for an appropriate Internet retailer to sell their products.

Firstly, Appellants disagree with the Examiner's assertion that anyone who is using the ETS system is "a shopper." A vendor who is using the ETS system to check his/her own inventory is not "a shopper."

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In paragraph [0110], which the Examiner uses to show that the reference anticipates the claimed invention, Nowers et al. teach that a vendor can check his/her inventory by using a keyword to search for products across a category or across all categories of his/her product catalog. In this case, therefore, the vendor is not a shopper since the vendor is merely checking his/her inventory.

Secondly, Nowers et al. do not teach anywhere in paragraphs [0110] and [0111] that a vendor can shop for an Internet retailer by searching his/her product catalog. Rather, Nowers et al. teach in paragraph [0111] that a vendor can refine a search for his/her products by searching for products that are associated with Internet retailers with whom the vendor has deals. But note that if an Internet retailer is already selling a vendor's products, the vendor cannot be shopping for the Internet retailer as asserted by the Examiner.

Thirdly, the claim specifically states that the query includes, in addition to the particular asset, *a particular virtual store*. By contrast, paragraph [0111] teaches that a vendor may search for products associated with Internet retailers with whom the vendor has deals. "Internet retailers" is not *a particular virtual store*. "A particular virtual store" may be equated to "a particular Internet retailer" but not to "Internet retailers" generically as the Examiner asserted.

On page 7, the Examiner stated that:

> Also, the additional criteria field for further refinement of the searching by allowing the vendor's [sic] to search for Internet retailers discloses the query including a particular virtual store, with which the user desires to shop. An additional example can be found within Fig. 7d and paragraph [0165].

Appellants note that Fig. 7d and paragraphs [0163], [0164] and [0165] are related to Internet retailers searching their inventories instead of vendors searching their inventories as in paragraphs [0110] and [0111]. For example in paragraph [0163], Nowers et al. explain Fig. 7c by disclosing that an Internet retailer can search the global product catalog by keyword for vendors' products

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that have been posted to the ETS. In paragraph [0165], Nowers et al. disclose that Fig. 7d is the result of a search for a specific product performed using the search engine of FIG. 7c.

Therefore, in paragraphs [0164], [0165] and in Fig. 7d, Nowers et al. do not disclose vendors doing searches that include a particular virtual store as asserted by the Examiner. Rather, Nowers et al. teach an Internet retailer performing a product search.

The Examiner continued to state on page 7 that:

> The search engine allows the vendor to search for Internet retailers registered in the ETS so that the vendor may establish new deals with Internet retailers.

Again, "Internet retailers" is not equivalent to "*a particular virtual store*."

Further, the claim specifically states that the query includes the *particular asset* and *a particular virtual store*. It does not state that a query is sent for a particular asset then another query is sent for Internet retailers with whom the vendor wants to do business or vice versa as the cited reference seems to suggest in Fig. 3a.

Thus, Appellants reiterate that the applied reference does not teach the claimed invention in the form literally defined in the claim and kindly request withdrawal of the rejection.

Respectfully Submitted

By: _____
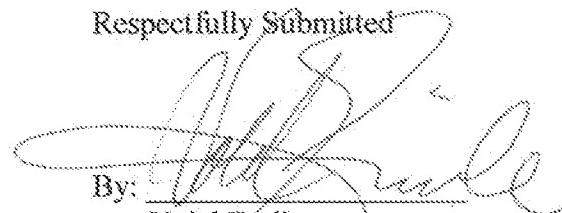
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